

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JONATHAN LEE RICHES,)	CASE NO. 4:08CV3138
)	
Petitioner,)	
)	MEMORANDUM
v.)	AND ORDER
)	
DUBAI INTERNATIONAL FINANCIAL)	
CENTRE, et al.,)	
)	
Respondents.)	

This matter is before the court on Petitioner's Notice of Appeal. (Filing No. [8](#).) The court dismissed Petitioner's claims in this matter on August 18, 2008. (Filing Nos. [6](#) and [7](#).) On September 25, 2008, Petitioner filed his Notice of Appeal. (Filing No. [8](#).) Plaintiff is a prisoner and has not previously been granted leave to proceed in forma pauperis ("IFP") in this matter.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(1\)](#):

Except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

[Fed. R. App. P. 24\(a\)\(1\)](#). The court has carefully reviewed the record. Petitioner has failed to either file the required motion for leave to proceed in forma pauperis or pay the \$455.00 filing fee. (Filing No. [9](#).) In addition, the court finds that Petitioner's appeal is frivolous and is not taken in good faith. In light of this, the court will not allow Petitioner to proceed IFP

on appeal. However, Petitioner may file a motion pursuant to Fed. R. App. P. 24(a)(5) with the Eighth Circuit and again request leave to proceed IFP on appeal.

IT IS THEREFORE ORDERED that:

1. Petitioner shall not be granted leave to appeal in forma pauperis;
2. The Clerk of the court shall not process the appeal to the Court of Appeals;
and
3. The Clerk of the court is directed to immediately forward a copy of this Memorandum and Order to the parties and to the Eighth Circuit Court of Appeals in accordance with [Federal Rule of Appellate Procedure 24\(a\)\(4\)](#).

DATED this 22nd day of October, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge